

OPHIR AREA PROPERTY OWNERS ASSOC., INC.
PO Box 752
Newcastle, CA 95658

10/4/04

via Certified Mail

Melissa Hall, WRC Engineer
California Regional Water Quality Control Board
11020 Sun Center Drive, #200
Ranch Cordova, CA 95670-6114

Re: Tentative City of Auburn NPDES Permit, Cease and Desist Order, and oversight

Dear Ms. Hall:

Thank you for the opportunity to comment on the Tentative Permit and Cease and Desist Order, City of Auburn WWTP. Below are our comments:

Item 4. and elsewhere: Average Summer Effluent Discharge Temperatures at near 74 degrees F. appear to be above the recommended ideal range for cold water fishery resources, including protected steelhead and salmon.

We request that a Provision be added to the Tentative Permit requiring, in the very near future, a suitable study of thermal impacts on the Auburn Ravine aquatic community due to the discharge, with an emphasis on anadromous resources and macroinvertebrates. CDFG and NOAA Fisheries can provide expertise in appropriate study design and parameters.

Item 5. and elsewhere: The Discharger utilizes "unlined" equalization ponds. The surrounding Ophir Community some years ago discussed at length with both the Discharger and Regional Board staff, on more than one occasion, the very real concern that pollutants would escape the ponds and pose a potentially substantial threat to domestic wells and to the public. Based upon groundwater monitoring begun in 1996, pollutants have migrated to and degraded the groundwater. (e.g. TDS, nitrate, coliform organism concentrations) And technology is readily and cost-effectively available to prevent percolation of pollutants to groundwater.

To allow yet another five years for resolution of the problem appears, at best, to be overly generous and does not appear sufficiently protective of the public. Additionally, we have been advised that the ponds will continue to be needed and used in the event the discharger ultimately connects to the Regional Wastewater facility. Irrespective of that, the ponds pose an unacceptable threat to the groundwater and to the surrounding population who must use domestic wells.

We request that the tentative Permit require prompt and thorough studies of surrounding domestic well water, and that effective sealing of WWTP ponds and facilities be required with a significantly shorter compliance schedule.

We are appreciative that the Tentative Permit does include groundwater limitations for coliform organisms, etc.

Item 7., Cease and Desist Order, and elsewhere: The California Toxics Rule/CTR was adopted four years ago in May of 2000, while the National Toxics Rule was adopted in 1993. We believe that more than ample time for preparation and compliance by the discharger with impending Effluent Limitations was and is available. However, to allow until September of 2009 for compliance with revised Effluent Limitations, or a total of nine years from adoption of the CTR, appears excessive and not in the best interests of protection of the public health.

We request that compliance with revised Effluent Limitations and the Cease and Desist Order be required on a far shorter time line.

Item 19. and elsewhere: Chlorine effluent limitations are intended to protect receiving water aquatic life beneficial uses. Yet a long string of chlorine violations have occurred over the years, including two within the last two years, as well as a Bioassay violation. Some of us within the community have taken CDFG Bioassessment Training with its focus on the use of macroinvertebrates. We learned that even modest chlorine exposure will directly, and cumulatively, degrade the health of the aquatic community.

Receiving Water Limitations, item 14, prohibit the degradation of aquatic communities. We need to know the actual stream impacts from WWTP operations, and violations, in the downstream community, both vertebrate and invertebrate.

The Basin Plan, item 10 in the Tentative Permit, notes that "The numerical and narrative water quality objectives define the least stringent standards that the Regional Board will apply to regional waters in order to protect beneficial uses." Elsewhere, leeway is given to the Regional Board to determine, on a case-by-case basis, appropriate discharge requirements.

Had the Discharger complied with a Superior Court Settlement Agreement of some four years ago and installed UV disinfection technology, chlorine would no longer be used for normal disinfection--and the recent chlorine violations, and impacts, would not have occurred due to the discharge.

Our request: Aside from prompt and strong enforcement measures for all violations, we believe that more stringent discharge requirements and groundwater objectives would provide some measure of protection to the public and aquatic communities. In addition, the discharger should be required to thoroughly assess actual stream impacts from the long and continuing series of chlorine-related violations via appropriate studies of the Auburn Ravine.

Antifoamant is used, at times in substantial quantities, by the discharger. e.g. 25 gallons in July of 2004. We have asked the responsible parties, and have yet to receive an answer, as to what the impacts are to the aquatic community from use of this material.

We request that the Permit require an analysis of impacts due to use of antifoamant in the discharge.

We were glad to learn- and appreciate that you inspected the Auburn Ravine below the outfall October of 2003--during very low flows while annual maintenance by PG&E occurred. We understand that you confirmed that no white coating or precipitate was any longer evident in the stream bed. We would add that we failed to see notation or acknowledgement of said white coating in WWTP self-monitoring reports proximate to our initial observation and photographs. If such notations were present, we missed them; if not, we fail to understand why.

The Regional Board has oversight responsibility for this facility. Examination of both recent- and nearly four decades of WWTP/discharger performance shows significant problems which are the basis of our requests. We believe that history and context are important in considering our comments, and request that the Board take a firm stand this time on behalf of the interests of the public and resources too long put at risk by this facility.

Sincerely,

Ronald Otto for the Ophir Area Property Owners Association, Inc., and the
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Cc:

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Interested parties